SB CIVIL WRIT PETITION NO.4405/1993
Gyan Dutt Pandey V/s The State of Rajasthan & Ors.

2.8.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Mahendra Shah, for the petitioner.
Mr.S.N. Kumawat, for the respondents.

By the instant writ petition, the petitioner seeks to challenge the orders dated 11.3.1993 and 28.5.1993 whereby appointment of the petitioner to the post of Principal, Shashtri & Upadhyay College and Professor, Vyakaran Sanskrit Education has been cancelled and consequently, the petitioner has been dismissed from service.

The Rajasthan Public Service Commission has withdrawn the recommendation of selection of the petitioner for both the posts on the ground that in the application forms of the said posts, the petitioner has mentioned the date of birth as 1.7.1954 and further referred the name of father as Radha Krishan Pandey. On receiving the complaint, when the aforesaid fact was verified from the record by the concerned authority, it was revealed that the date of birth of the petitioner is 1.7.1951 and he has procured the appointment order by making the same 1.7.1954, otherwise he could not have been within the age limit for the post of Professor,

Vyakaran Sanskrit Education. On account of the aforesaid misleading and incorrect statement, the Commission has withdrawn the selection of not only the post of Professor, Vyakaran Sanskrit Education, but earlier selection also of Principal, Shashtri & Upadhyay College, after issuing notice to the petitioner and considering his explanation wherein he has no where disputed that he has mentioned his date of birth in both the application as 1.7.1954.

The submission of counsel for the petitioner is that since the petitioner has become member of both the services after his selection and appointment, therefore, unless a charge sheet is issued and enquiry is conducted as per Rajasthan Civil Services (CC & A) Rules, 1958, he could not have been dismissed from service.

The submission of counsel for the respondent is that the present case is not of any misconduct committed by the petitioner after having become the member of service, but the same relates to the eligibility which is within the domain of the RPSC.

I have considered the above mentioned submissions of the parties and

is of the view that as regard eligibility is concerned, the RPSC is free to examine / re-examine the same even after appointment. In my opinion, no error has been committed by the RPSC while withdrawing the selections and further no error has been committed by the State Government while issuing the cancellation of appointment order, which cannot be said to be a misconduct after joining the service.

In view of above, the writ petition is dismissed without there being any order as to costs.

(**P.S. ASOPA) J.**

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